

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO.: 05-CR-50023-FL

KEITH CARLTON ASHLEY,

HON. PAUL V. GADOLA
MAG. JUDGE WALLACE CAPEL, JR.

Defendant.

ORDER DENYING MOTION FOR BOND

This matter came before the Court for hearing on January 11, 2006, on the Defendant's "Motion For Reconsideration Of Bond Conditions," filed on January 6, 2006.

The Defendant appeared before this Court for his arraignment on January 6, 2006, based upon a Second Superseding Indictment charging him with Conspiracy To Distribute Heroin, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(A)(i). The Defendant was previously ordered detained by the Honorable Magistrate Judge R. Steven Whalen on August 10, 2005.

The Defendant has requested that the order of detention be vacated and that he be released on bond. The reasons cited by the Defendant in support of his motion are the way that his criminal history was portrayed at the time of the detention hearing and that there are conditions which can be fashioned to assure his appearance in court and the safety to the community. The Defendant further states that although he has had a serious drug habit from 1989 until 1999, he has been able to discontinue using illegal substances. He further indicates that he voluntarily surrendered in a previous criminal matter; that he is gainfully employed; and that he is involved with his church and family. Further, he argues that his does not have a history of violence.

Having considered the motion, the Court finds that the defendant has not rebutted the presumption in 18 U.S.C. 3142. The Defendant has an extensive criminal record dating back to 1989. A number of those offenses involved illegal substances. It further appears that the defendant violated the terms of his state court probation in a number of these cases. The instant offense also appears to have occurred while the Defendant was on probation. Based upon the Defendant's extensive criminal record, his failure to follow court orders, I find that the Defendant has not rebutted the presumption that he poses a danger to the community as well as a risk of flight in this matter.

Accordingly, the Defendant's motion for bond is hereby **DENIED**. The Order of Detention previously entered in this matter shall remain in effect.

The defendant is hereby remanded to the custody of the United States Marshal.

IT IS SO ORDERED.

DATED: January 12, 2006

s/Wallace Capel, Jr.

WALLACE CAPEL, JR.

UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Mark C. Jones, AUSA, and I hereby certify that I have hand delivered/ mailed by United States Postal Service the paper to the following non-ECF participants: Terry A. Price, Esq., 645 Griswold, Ste. 1817, Detroit, MI 48226, United States Marshal, 600 Church St., Flint, MI 48502, Pretrial Services Officer, 600 Church St., Flint, MI 48502

s/James P. Peltier

James P. Peltier

Courtroom Deputy Clerk

U.S. District Court

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